

**U.S. District Court
Middle District of Tennessee (Nashville)
CIVIL DOCKET FOR CASE #: 3:20-cv-00134**

Wellness Solutions Geriatrics, PLLC v. Centers for Medicare & Medicaid Services et al
Assigned to: District Judge Eli J. Richardson
Referred to: Magistrate Judge Barbara D. Holmes
Cause: 05:552 Freedom of Information Act

Date Filed: 02/14/2020
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Wellness Solutions Geriatrics, PLLC

represented by **Andrew L. Sparks**
Dickinson Wright PLLC (KY)
300 West Vine Street
Suite 1700
Lexington, KY 40507
(859) 899-8700
Fax: (844) 670-6009
Email: asparks@dickinsonwright.com
ATTORNEY TO BE NOTICED

Charles Timothy Gary
Dickinson Wright PLLC (Nashville Office)
424 Church Street
Suite 800
Nashville, TN 37219
(615) 620-1733
Fax: (844) 670-6009
Email: tgary@dickinsonwright.com
ATTORNEY TO BE NOTICED

Marie Kimberly Stagg
Dickinson Wright PLLC (Nashville Office)
424 Church Street
Suite 800
Nashville, TN 37219
(615) 244-6538
Fax: (615) 256-8386
Email: kstagg@dickinson-wright.com
ATTORNEY TO BE NOTICED

V.

Defendant

Centers for Medicare & Medicaid Services

represented by **Kara F. Sweet**
U.S. Attorney's Office (Nashville Office)
Middle District of Tennessee
110 Ninth Avenue, S
Suite A961
Nashville, TN 37203-3870
(615) 401-6598
Fax: (615) 401-6626
Email: kara.sweet@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

Palmetto GBA

Defendant**SGS Southeastern Unified Program
Integrity Contractor**

Date Filed	#	Docket Text
02/14/2020	<u>1</u>	COMPLAINT against Centers for Medicare & Medicaid Services, Palmetto GBA and SGS Southeastern Unified Program Integrity Contractor (Filing fee \$400, Receipt number 0650-3088025), filed by Wellness Solutions Geriatrics, PLLC. (Attachments: # <u>1</u> Exhibit A – Letters dated 5/17/2019 and 3/19/2019, # <u>2</u> Exhibit B – Letter dated 10/15/2019, # <u>3</u> Exhibit C – Letter dated 11/12/2019, # <u>4</u> Exhibit D – Email dated 11/13/2019 – 11/14/2019, # <u>5</u> Attachment – Civil Cover Sheet) (Summons not provided with the complaint.) (dt) Modified on 2/18/2020 (dt). (Entered: 02/14/2020)
02/18/2020	<u>2</u>	ORDER: This case is REFERRED to the Magistrate Judge for customized case management in accordance with Local Rule 16.01 and 28 U.S.C. § 636(b)(1)(A). This case shall be set for trial upon completion of the initial case management conference by order of the District Court in accordance with the procedures of Local Rule 16.01. Signed by District Judge Eli J. Richardson on 2/18/2020. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (dt) (Entered: 02/18/2020)
02/18/2020	<u>3</u>	NOTICE of Business Entity Disclosure Statement filing requirement.(dt) Modified on 2/18/2020 (dt). (Entered: 02/18/2020)
02/18/2020	<u>4</u>	NOTICE/INFORMATION regarding Consent of the Parties to the Magistrate Judge. (dt) (Entered: 02/18/2020)
02/18/2020		TN State Bar status verified as active for Charles Timothy Gary and Marie Kimberly Stagg. KY State Bar status verified as active for Andrew L. Sparks. (dt) (Entered: 02/18/2020)
02/18/2020		NOTICE TO COUNSEL Andrew L. Sparks: WITHIN 21 DAYS, counsel shall be admitted to practice. The application for admission is available on the website at http://www.tnmd.uscourts.gov/forms/admission-practice-application (LR 83.01(a)). Admission due by 3/10/2020. (dt) (Entered: 02/18/2020)
02/19/2020	<u>5</u>	BUSINESS ENTITY DISCLOSURE STATEMENT filed by Wellness Solutions Geriatrics, PLLC. (Gary, Charles) (Entered: 02/19/2020)
02/19/2020	<u>6</u>	NOTICE of Initial Case Management Conference set for 4/6/2020 at 3:30 PM in Courtroom 764 before Magistrate Judge Barbara D. Holmes. (dt) (Entered: 02/19/2020)
02/20/2020	<u>7</u>	Summons issued as to Centers for Medicare & Medicaid Services, Palmetto GBA, and SGS Southeastern Unified Program Integrity Contractor. (vh) (Entered: 02/20/2020)
02/25/2020	<u>8</u>	MOTION for attorney Andrew L. Sparks to Appear Pro Hac Vice (paid \$100 PHV fee; receipt number 0650-3094274) by Wellness Solutions Geriatrics, PLLC. (Gary, Charles) (Entered: 02/25/2020)
02/28/2020		NOTICE TO FILER re DE# <u>8</u> : The PHV motion must be accompanied by a Certificate of Good Standing from a United States District Court or a United States appellate court. The certificate shall be filed within 10 days. (Davies, Kirk) (Entered: 02/28/2020)
02/28/2020	<u>9</u>	GREEN CARD RETURNED Executed as to <u>7</u> Summons Issued <i>SGS SE Unified Program Integrity Coord.</i> Acknowledgement filed by Wellness Solutions Geriatrics, PLLC. (Gary, Charles) (Entered: 02/28/2020)
02/28/2020	<u>10</u>	GREEN CARD RETURNED Executed as to <u>7</u> Summons Issued <i>Palmetto GBA</i> Acknowledgement filed by Wellness Solutions Geriatrics, PLLC. (Gary, Charles) (Entered: 02/28/2020)
03/04/2020		NOTICE TO FILER re DE# <u>5</u> and <u>8</u> : These documents have been scanned. Documents generated from a word processor (Word or WordPerfect) should NOT be scanned, but rather printed directly to PDF via a PDF writer. Document must be text

		searchable. You do not have to refile this document, however, future scanned pleadings of this nature may require refileing. (dt) Modified on 3/4/2020 (dt). (Entered: 03/04/2020)
03/04/2020	<u>11</u>	CERTIFICATE OF GOOD STANDING of Attorney Andrew L. Sparks from the United States District Court for the Eastern of Kentucky filed by Wellness Solutions Geriatrics, PLLC. (Gary, Charles) (Entered: 03/04/2020)
03/05/2020	<u>12</u>	ORDER granting <u>8</u> Motion for Andrew L. Sparks to Appear Pro Hac Vice. Signed by Kirk L. Davies on 3/5/20. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (Davies, Kirk) (Entered: 03/05/2020)
03/09/2020	<u>13</u>	GREEN CARD RETURNED Executed as to <u>7</u> Summons Issued <i>Centers for Medicare & Medicaid Services</i> Acknowledgement filed by Wellness Solutions Geriatrics, PLLC. (Gary, Charles) (Entered: 03/09/2020)
03/18/2020	<u>14</u>	ORDER: Given the current responses to the outbreak of the coronavirus known as COVID-19, including the Court's Administrative Order No. 209 issued on March 16, 2019, the initial case management conference in this case, scheduled for April 6, 2020, at 3:30 p.m., will be held telephonically. Signed by Magistrate Judge Barbara D. Holmes on 3/18/2020. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (dt) (Entered: 03/19/2020)
03/27/2020	<u>15</u>	NOTICE of Appearance by Kara F. Sweet on behalf of Centers for Medicare & Medicaid Services (Sweet, Kara) (Entered: 03/27/2020)
04/03/2020	<u>16</u>	MOTION to Continue <i>Initial Case Management Conference</i> by Wellness Solutions Geriatrics, PLLC. (Sparks, Andrew) (Entered: 04/03/2020)
04/04/2020	<u>17</u>	ORDER granting <u>16</u> Plaintiff's motion to continue initial case management conference. An order resetting the initial case management conference will be entered separately. SO ORDERED. Signed by Magistrate Judge Barbara D. Holmes on 04/04/2020. (BH) (Entered: 04/04/2020)
04/06/2020		NOTICE TO FILER re DE# <u>16</u> : Pursuant to Local Rule 5.01, Certificates of Service shall identify by name the person served, what was served, the method of service, and date of service. Counsel did not include all Counsel on the certificate of service. Please FILE a conformed Certificate of Service for this document. (dt) (Entered: 04/06/2020)
04/06/2020	<u>18</u>	ORDER: The initial case management conference is RESCHEDULED to June 23, 2020, at 2:30 p.m. Plaintiff's attorney must serve a copy of this Order on the non-appearing Defendants or otherwise ensure they are notified of the rescheduled date and time. Signed by Magistrate Judge Barbara D. Holmes on 4/6/2020. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (mg) (Entered: 04/06/2020)
04/07/2020	<u>19</u>	CERTIFICATE Amended Certificate of Service filed by Wellness Solutions Geriatrics, PLLC re <u>16</u> MOTION to Continue <i>Initial Case Management Conference</i> filed by Wellness Solutions Geriatrics, PLLC. (Sparks, Andrew) (Entered: 04/07/2020)
05/11/2020	<u>20</u>	Joint MOTION for Extension of Time to File <i>a Response to Complaint</i> by Centers for Medicare & Medicaid Services. (Sweet, Kara) (Entered: 05/11/2020)
05/11/2020	<u>21</u>	ORDER granting <u>20</u> Motion for Extension of Time to Respond to the Complaint. Response ddl extended to June 15, 2020. Signed by Magistrate Judge Barbara D. Holmes on 5/11/2020. (vh) (Entered: 05/11/2020)
06/03/2020	<u>22</u>	ORDER: Given the current responses to the outbreak of the coronavirus known as COVID-19, including the Court's Administrative Order No. 209 issued on March 16, 2019, amended on March 23, 2020, and on April 29, 2020, and amended again on May 22, 2020, the initial case management conference in this case, scheduled for 2:30 p.m. on June 23, 2020, will be held telephonically. Counsel should use the following dial-in information ¹ to participate in the telephonic initial case management conference: Dial-in number: 877-402-9753; Access Code: 3808663#. Signed by Magistrate Judge Barbara D. Holmes on 6/3/2020. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (dt) (Entered: 06/03/2020)

06/15/2020	<u>23</u>	Joint MOTION for Extension of Time to File <i>Response to Complaint</i> by Centers for Medicare & Medicaid Services. (Sweet, Kara) Modified on 6/15/2020 (dt). (Entered: 06/15/2020)
06/15/2020	<u>24</u>	ORDER granting <u>23</u> Motion for Extension of Time to Answer the <u>1</u> Complaint. However, the Initial Case Management Conference scheduled on June 23 will proceed absent further order. The parties are expected to file their joint proposed initial case management order as previously directed. So ORDERED. Signed by Magistrate Judge Barbara D. Holmes on 6/15/2020. (dt) (Entered: 06/15/2020)
06/18/2020	<u>25</u>	Joint MOTION TO ADJOURN INITIAL CASE MANAGEMENT CONFERENCE re <u>24</u> Order on Motion for Extension of Time to Answer, by Centers for Medicare & Medicaid Services. (Sweet, Kara) (Entered: 06/18/2020)
06/18/2020	<u>26</u>	ORDER granting <u>25</u> Motion to Adjourn Initial Case Management Conference. ICMC reset for 7/7/20 at 10:00 a.m. Signed by Magistrate Judge Barbara D. Holmes on 6/18/2020. (dt) (Entered: 06/18/2020)
06/22/2020	<u>27</u>	Joint MOTION for Extension of Time to File Answer by Centers for Medicare & Medicaid Services. (Sweet, Kara) (Entered: 06/22/2020)
06/22/2020	<u>28</u>	ORDER granting <u>27</u> Motion for Extension of Time to Answer the <u>1</u> Complaint. The ICMC remains scheduled for July 7, 2020, absent further order, and the parties are expected to file their joint proposed ICM order as previously directed. Signed by Magistrate Judge Barbara D. Holmes on 6/23/2020. (dt) (Entered: 06/23/2020)
07/06/2020	<u>29</u>	STIPULATION of Dismissal (<i>JOINT</i>) by Centers for Medicare & Medicaid Services. (Sweet, Kara) (Entered: 07/06/2020)